Hari Ram Vs. State of Rajasthan
D.B. CRI. PAROLE WRIT PETITION NO.1169/2007

DATE OF ORDER :11th April, 2007.

HON'BLE MR.JUSTICE S. P. PATHAK
HON'BLE MR.JUSTICE D.N. THANVI

Mr. V.R. Metha, Public Prosecutor for State.

The present petition has been registered on a letter from convict received by this Court. The petitioner is undergoing the sentence awarded to him by the learned Addl. Sessions Judge, Beawar vide judgment dated 05.02.2005 in Sessions Case No.29/2003 for the offence under Sec.8/15 of the NDPS Act. The convict has made the prayer that he be granted parole for 20 days as he has completed ¼th of the sentence awarded to him.

The reply furnished by the States goes to show that the report called in relation to the convict by the Director General of Prisons from the Superintendent, of Police and Social Welfare Officer shows that possibility cannot be ruled out that accused petitioner might get himself involved in such type of matters again after grant of parole.

We have carefully considered the reply as well as the submissions made by learned Public Prosecutor and we are of the opinion that no material has been brought on record to presume that if parole is granted to the petitioner he would again involve himself in such type of matters. Presumption cannot be raised in absence of material to justify the presumption. Therefore, we are of the opinion that the petitioner having completed ¼th period of sentence awaded, his parole petition requires to be accepted.

Considering all the facts and circumstances of the case, it is directed that petitioner Hari Ram shall be released on parole for a period of 20 days on just and proper conditions determined by the Superintendent Central Jail, Jodhpur to his own satisfaction. He shall also fix the date for the surrender of convict petitioner.

A copy of this order may be sent to the convict.

(D.N. THANVI), J. **(SATYA PRAKASH PATHAK), J.**